



THE ATTORNEY GENERAL  
OF TEXAS

JIM MATTOX  
ATTORNEY GENERAL

September 6, 1990

Ms. Emily E. Helm  
Director of Legal Services  
Texas Youth Commission  
P. O. Box 4260  
Austin, Texas 78765

OR90-432

Dear Ms. Helm:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 9990.

The Texas Youth Commission (TYC) received a request from an attorney for an accident report, medical records, and other pertinent information in its possession concerning the attorney's client, a TYC youth, and an automobile accident. The accident involved a TYC van driven by a TYC employee during a TYC spring break trip. You assert this information is excepted from required public disclosure based on section 3(a)(3) of the Open Records Act. In that regard you advise that the attorney representing the TYC youth has sent notice pursuant to the Texas Tort Claims Act, section 101.101, and has claimed that the accident was the fault of your insured.

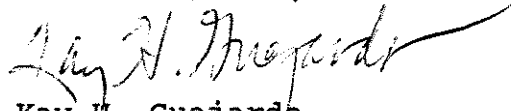
We agree that all of the requested information may be withheld by the TYC based on section 3(a)(3) of the Open Records Act. The previously mentioned facts demonstrate that litigation is reasonably anticipated. See Open Records Decision Nos. 555, 551 (1990). The requested information relates to the anticipated litigation and is more appropriately sought through the normal processes of discovery. See id. (copies enclosed).

This is so even though the mother of the TYC youth signed a consent for release of her son's medical records. Section 3B of the Open Records Act grants a special right of access to information that is protected from public disclosure by laws, such as article 5561h, V.T.C.S., which are intended to protect a person's privacy interests. Open

Records Decision No. 565 (1990). However, the Open Records Act leaves a governmental body free to claim that other exceptions to disclosure, i.e., exceptions not intended solely to protect the privacy rights of the individual at issue such as section 3(a)(3) apply. See V.T.C.S. art. 6252-17a, § 3B(e).

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR90-432.

Yours very truly,

  
Kay H. Guajardo  
Assistant Attorney General  
Opinion Committee

KHG/le

Enclosure: Open Records Decision Nos. 555, 551

Ref: ID# 9990

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